

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NEW ULM ENTERPRISES, INC., a
Minnesota corporation, and GERALD
DANNHEIM, an individual,

Court File No: 04-3819 JMR/FLN

Plaintiffs,

vs.

EMMETT B. ERPELDING, an individual,
KEE MANAGEMENT OF SOUTHWEST
FLORIDA, INC., a Florida corporation, d/b/a
KEE MGMT OF SW FL, TRUST
MORTGAGE OF BONITA SPRINGS, and
KEE MANAGEMENT INC., and KEE MTG,
INC., a Florida corporation,

Defendants.

CONSENT ORDER

Plaintiffs New Ulm Enterprises, Inc. and Gerald Dannheim having filed their Complaint herein on August 17, 2004, and defendants Emmett B. Erpelding, Kee Management of Southwest Florida, Inc., Kee Mtg, Inc. having consented to the Court's jurisdiction over the parties and this action, and the entry of this Consent Order, agree that it is binding on the parties to this Consent Order, the parties' officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive notice thereof:

NOW, THEREFORE, UPON CONSENT OF THE PARTIES HERETO, IT IS FOUND, ORDERED, ADJUDGED AND DECREED that final judgment be entered as follows:

1. This Consent Order is a final adjudication on the merits. In the event of future disputes between the parties, this Consent Order shall be *res judicata* and shall have collateral estoppel effect.

2. The Court shall retain jurisdiction to construe, inform, implement and enforce this Consent Order upon the application of any party for a period of 45 days.

3. Defendants shall remit to Plaintiffs' counsel \$50,000 on or before April 15, 2006.

4. Judgment shall be entered against each defendant forthwith in the following amounts:

- a. Emmett Erpelding - \$150,000;
- b. Kee Mtg, Inc. - \$150,000; and
- c. Kee Management of Southwest Florida, Inc. - \$341,000.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: March 21, 2006

s/ JAMES M. ROSENBAUM
James M. Rosenbaum, Chief Judge
United States District Court
District of Minnesota

Plaintiffs New Ulm Enterprises, Inc. and Gerald Dannheim and defendants Emmett Erpelding, Kee Management of Southwest Florida, Inc., and Kee Mtg, Inc. hereby consent to the entry of the foregoing Consent Order, and waive any right to appeal:

Plaintiff New Ulm Enterprises, Inc.

By: s/ Gerald Dannheim
Gerald Dannheim, President

STATE OF MINNESOTA)
) ss.:
COUNTY OF BLUE EARTH)

SWORN TO BEFORE ME this
20th day of March, 2006.

s/ Lisa Kletschka
NOTARY PUBLIC
My Commission Expires: 1/31/2010

Plaintiff Gerald Dannheim

By: s/ Gerald Dannheim
Gerald Dannheim, President

STATE OF MINNESOTA)
) ss.:
COUNTY OF BLUE EARTH)

SWORN TO BEFORE ME this
20th day of March, 2006.

s/ Lisa Kletschka
NOTARY PUBLIC
My Commission Expires: 1/31/2010

Defendant Emmett Erpelding

s/ Emmett Erpelding
Emmett Erpelding

STATE OF FLORIDA)
) ss.:
COUNTY OF LEE)

SWORN TO BEFORE ME this
20th day of March, 2006.

s/ John R. Spring
NOTARY PUBLIC
My Commission Expires 9/30/2008

Kee Management of Southwest Florida, Inc.

s/ Emmett Erpelding
Emmett Erpelding

STATE OF FLORIDA)
) ss.:
COUNTY OF LEE)

SWORN TO BEFORE ME this
20th day of March, 2006.

s/ John R. Spring
NOTARY PUBLIC
My Commission Expires 9/30/2008

Kee Mtg, Inc.

s/ Emmett Erpelding
Emmett Erpelding

STATE OF FLORIDA)
) ss.:
COUNTY OF LEE)

SWORN TO BEFORE ME this
20th day of March, 2006.

s/ John R. Spring
NOTARY PUBLIC
My Commission Expires 9/30/2008

Approved as to form:

s/ Douglas R. Peterson, Esq.

Douglas R. Peterson, Esq.

Timothy P. Griffin, Esq.

LEONARD, STREET AND DEINARD

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**ATTORNEYS FOR PLAINTIFFS NEW
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GERALD DANNHEIM**

s/ William S. Partridge, Esq.

William S. Partridge, Esq.

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**ATTORNEYS FOR DEFENDANTS
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MORTGAGE OF BONITA SPRINGS,
AND KEE MGT, INC.**